

## REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-12, 14-20, 22-32, and 41 are rejected under 35 U.S.C. §102(b) as being anticipated by Ekkert et al. 5,435,467. It is submitted that claims 1-3, 5-12, 14-15, 18-20, 22, and 25-32 are patentable over Ekkert et al. because Ekkert et al do not disclose every limitation of the claims. With respect to claim 1 Ekkert do not disclose an upper edge of a second and third portion of the spout having a length greater than the upper edge of a first portion of the spout as recited in the claims. In contrast, two substantially straight portions having a length greater than the first straight portion. In contrast Fig. 9 of Ekkert et al. do not disclose the straight upper edge portions of the second and third sides as being greater in length than the straight upper edge portion of the first side. The greater length of the straight upper edges of the second and third sides in comparison to the upper edge of the first side provides increased containment of the fluid as it is poured through the spout. The straight upper edges of the second and third sides having a greater length also provide effective wiping surface for a brush for example. Claims 2-3, and 5-9 depend from claim 1 and are also patentable over Ekkert et al. for at least this reason.

Similarly, with respect to claim 10, Ekkert et al. do not disclose a spout including a first straight portion with a first length and a second and third portion having a second length greater than the first length s recited in claim 10. Claims 11-12, 14-15 and 19-20 depend from claim 10 and are also patentable over Ekkert et al. for at least the reason noted above with respect to claim 10.

With respect to claim 22, Ekkert et al. do not disclose the straight upper edges of the second and third side extending from the first side and through a center line extending perpendicular to the cylindrical wall and parallel to the straight upper edge of the first side as recited in claim 22. The extension of the straight upper edges of the second and third sides through the center line provides increased containment of the fluid as it is poured through the

spout as well as provide a longer surface which to wipe a brush. In contrast the figures of Ekkert et al. show a the straight upper portions of the second and third side not extending beyond a half way point of a center line as recited in claim 22. Claims 25-32 depend from claim 22 and are also patentable over Ekkert et al. for at least the reason noted above with respect to claim 22.

Claim 21 is rejected under 35 U.S.C. §103(a) as being unpatentable over Ekkert et al. 5,435,467 in view of Nottingham et al. 2002/0195471. Claim 21 depends from claim 10 and is patentable over Ekkert et al. for at least the reason noted above with respect to claim 10. Further it is submitted that the addition of Nottingham et al. in combination with Ekkert et al. does not provide the missing limitation as noted above with respect to claim 10. Accordingly, it is requested that this rejection be withdrawn.

Claims 35-36, 38-40, 45-48 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nottingham et al. 2002/0195471 in view of Ekkert et al. 5,435,467.

Claims 33-34 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ekkert et al. 5,435,467 in view of Sprick 5,794,803. Claim 33 is patentable over Ekkert et al. in view of Sprick because neither Ekkert et al. nor Sprick either alone or in combination teach or disclose a spout having a first, second and third portions having a straight upper edge, where the second and third straight portions extend through a center line of the spout and where the straight upper edges of the second and third portions have a length greater than the length of straight upper edge of the first straight portion. Claim 34 depends from claim 33 and is patentable over the cited references for at least the reason noted above with respect to claim 33.

Claims 42-44 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 35 has been rewritten to include the limitations of claim 42 and all intervening claims and is therefore in condition for allowance. Claims 36-40 and 43-48 depend from claim 35 and is therefore patentable over the cited art as well.

Claims 4, 16, 17, 23, 24, 41 and 42 are requested to be cancelled.

Claims 1, 3, 5, 6, 10, 18, 22, 33, 35 and 43 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-3, 5-15, 18-22, 25-40 and 43-48 are now pending in this application.


Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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By 

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